

Serial No. 10/001,770

Attorney Docket No. PF02133NA

REMARKS/ARGUMENTS

Claims 1, 5 through 8, 14, 21 and 22 remain in this application. New claims 21 and 22 have been added, and claims 1 and 14 have been amended.

Claims 1, 5 through 8, and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,438,385 to Heinonen, et al. ("Heinonen, et al. patent") in view of U.S. Patent No. 6,085,096 to Nakamura ("Nakamura patent").

Claim 1 as amended provides, *inter alia*, a transceiver configured to receive a mute command and a muting status information in response to the wireless communication device entering a silent zone; a programmable memory for storing device data associated with the wireless communication device; and a processor configured to activate a silent mode of the wireless communication device in response to the mute command and provide notification of a status of the wireless communication device through an advisory message to another device attempting to communicate with the wireless communication device, wherein the advisory message includes the muting status information received by the transceiver and the device data stored by the programmable memory. Claim 14 as amended provides, *inter alia*, storing device data associated with the wireless communication device; receiving a mute command and a muting status information in response to entering a specific zone in which communication devices are muted; and activating a silent mode of the wireless communication device in response to the mute command and providing notification of a status of the wireless communication device through an advisory message, which includes the muting status

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information and the device data, to another device attempting to communicate with the wireless communication device.

In contrast, the Heinonen, et al. patent and the Nakamura patent, individually and in combination, do not describe or suggest any type of advisory message that includes *both* muting status information and device data, as required by amended claims 1 and 14. Therefore, claims 1 and 14 distinguish patentably from the Heinonen, et al. patent, the Nakamura patent and the suggested combination of these patents.

Claims 5 through 8 depend from and include all limitations of independent claim 1 as amended. Therefore, claims 5 through 8 distinguish patentably from the Heinonen, et al. patent, the Nakamura patent, and the suggested combination of these patents for the reasons stated above for claim 1.

Claim 5 as amended further distinguishes from the cited references. Claim 5 as amended provides that the muting status information includes an event location or event time duration. The Nakamura patent provides an exemplary predetermined message at col. 5, lines 30-35, as "To prevent malfunction of medical equipment due to your portable telephone, please power off your portable telephone before entering", so the use may be located at a medical facility or other types of facilities that have medical equipment. Col. 6, lines 26-34, of the Nakamura patent makes a general statement about how the Nakamura embodiments are applied to medical facilities, but does not make specific reference to message content. Thus, the Nakamura patent does not explicitly describe a message that includes any type of location reference (or time duration), as required by claim 5. Based on the description provided by the Nakamura patent,

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one may only guess the *type* of facility but one would not know the event *location*. Therefore, claim 5 further distinguishes from the Heinonen, et al. patent, the Nakamura patent, and the suggested combination of these patents.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §103(a) rejections of claims 1 through 20 are respectfully requested.

New claims 21 and 22 are presented to more clearly cover a certain aspect of Applicant's system and method. In particular claim 21 provides that the advisory message is constructed by combining the muting status information received by the transceiver and the device data stored by the programmable memory, and claim 22 provides that the advisory message is constructed by combining the muting status information and the device data. Support for the above recitation is provided by FIG. 4, and page 12, lines 3 through 13, of the specification. In contrast, the Nakamura patent describes a "predetermined" message that is sent in response to receiving a position registration request signal. As stated at col. 4, line 65, through col. 5, line 2, of the Nakamura patent, the predetermined message is determined in advance and stored in a storage section of a base station. The Nakamura patent does not describe or suggest *constructing* any type of message, let alone constructing a message by combining muting status information and device data, as required by new claims 21 and 22. In addition, the Nakamura patent does not describe or suggest constructing a message by combining received information and stored information, as required by new claims 21 and 22. Therefore, allowance of new claims 21 and 22 is believed warranted.

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CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
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